

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
REGION 5

RITE AID CORPORATION  
Employer

and

Case 5-RC-15514

DISTRICT LODGE 12, INTERNATIONAL  
ASSOCIATION OF MACHINISTS &  
AEROSPACE WORKERS, AFL-CIO  
Petitioner

SUPPLEMENTAL DECISION,  
ORDER CONSOLIDATING CASES AND NOTICE OF HEARING

Pursuant to a Decision and Direction of Election<sup>1</sup> approved by me on March 26, 2003, a secret-ballot election was conducted on April 24, 2003, with the following results:

Approximate number of eligible voters	46
Void ballots	0
Votes cast for Petitioner	19
Votes cast against participating labor organizations	25
Valid votes counted	44
Challenged ballots	2
Valid votes counted plus challenged ballots	46

The challenged ballots do not affect the election result.

The Petitioner filed timely objections<sup>2</sup> to conduct affecting the results of the election on April 28, 2003.

By letter dated October 20, 2003, the Petitioner requested the withdrawal of all Objections except Objection 1. Accordingly, I approve the withdrawal of Objections 2 through 7.

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<sup>1</sup> The unit is: All full-time and regular part-time maintenance department employees, including maintenance mechanics, general utility technicians, leadpersons, inventory clerks, and MP2 data processors, employed by the Employer at its Perryman, Maryland location, but excluding all other employees, office clericals, professional and managerial employees, guards, and supervisors as defined in the Act.

<sup>2</sup> Attached as EXHIBIT A.

On February 25, 2003 and May 8, 2003, Petitioner filed unfair labor practice charges in Cases 5-CA-31098 and 5-CA-31237, respectively. Petitioner filed a first amended unfair labor practice charge in Case 5-CA-31237 on July 18, 2003. The first amended charge alleges violations of the Act substantially identical to the conduct alleged in Objection 1. On July 30, 2003, an Order Consolidating Cases, Consolidated Complaint and Notice of Hearing issued in Cases 5-CA-31098 and 5-CA-31237, which contains pleadings in paragraph 12 substantially identical to Objection 1. Furthermore, the pleadings in paragraph 11 of the Consolidated Complaint allege conduct (i.e. Since mid-January 2003, Respondent promulgated and has maintained a rule restricting access to its facility by off-duty maintenance department employees.) which, although not specifically alleged in the Petitioner's Objections, is sufficiently related to the election as to have had a probable effect on it if proven. I will, therefore, use my discretion and consider it as objectionable conduct. White Plains Lincoln Mercury, 288 NLRB 1133 (1988).

In view of the similarity of Objection 1 and the other objectionable conduct described above with the unfair labor practices alleged in the Consolidated Complaint in Cases 5-CA-31098 and 5-CA-31237, the undersigned will order the consolidation of Case 5-RC-15514 with Consolidated Cases 5-CA-31098 and 5-CA-31237 for the purpose of a hearing, ruling and decision by an Administrative Law Judge on the issues raised by Petitioner's Objection 1 and the objectionable conduct contained in paragraph 11 of the Consolidated Complaint.

#### ORDER

IT IS HEREBY ORDERED, pursuant to Section 102.33 and 102.69 of the National Labor Relations Board's Rules and Regulations, Series 8, as amended, that Case 5-RC-15514 be, and it hereby is, consolidated with Consolidated Cases 5-CA 31098 and

5-CA-31237, for the purpose of hearing, ruling and decision by an Administrative Law Judge on Objection 1 and the objectionable conduct alleged in paragraph 11 of the Consolidated Complaint. Thereafter, Case 5-RC-15514 shall be transferred to and continued before the Board in Washington, DC; and the provisions of Section 102.46 and 102.49 of the above-mentioned Rules shall govern the filing of exceptions.

#### NOTICE OF HEARING

PLEASE TAKE NOTICE that commencing at 10:00 a.m. E.S.T. on the 5<sup>th</sup> day of November 2003, and on consecutive days thereafter, a hearing will be conducted in the John A. Penello Memorial Hearing Room, 7<sup>th</sup> Floor, 103 South Gay Street, Baltimore, Maryland, before a duly designated Administrative Law Judge of the National Labor Relations Board on the issue raised by Petitioner's Objection 1 and other objectionable conduct pleaded at paragraph 11 of the Consolidated Complaint which issued in Cases 5-CA-31098 and 5-CA 31237, at which time the parties will have the right to appear in person, or otherwise give testimony.

Dated at Baltimore, Maryland this 21<sup>st</sup> day of October 2003.

(SEAL)

WAYNE R. GOLD

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Wayne R. Gold, Regional Director  
National Labor Relations Board, Region 5  
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